

**CITY OF ILWACO
ORDINANCE NO. 782**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING
ILWACO MUNICIPAL CODE CHAPTER 13, PUBLIC SERVICES, WITH REGARDS
TO STANDARDS AND CHARGES FOR EXTRAORDINARILY HIGH
CONCENTRATIONS OF WASTEWATER DISCHARGE**

WHEREAS, it is the desire of the City Council to amend Chapter 13 of the Ilwaco Municipal Code to add standards for wastewater discharge and to add charges for extraordinarily high flow and extraordinarily high concentrations of wastewater; and

WHEREAS, the Ilwaco Municipal Code defines standard flow levels of wastewater and establishes connection and monthly charges accordingly; and

WHEREAS, the Ilwaco Municipal Code defines constituents of wastewater that are harmful to public safety and/or to the operation of wastewater facilities or that increase loading to the wastewater facilities; and

WHEREAS, it is common practice for Cities to charge for concentrations of wastewater constituents that are above expected, planned-for and acceptable levels; and

WHEREAS, the Ilwaco Municipal Code does not provide the basis for charging customers for concentrations of wastewater constituents that are above expected, planned-for and acceptable levels.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13.04.005 Definitions is amended to add the following definitions:

“Commercial Waste Flow” is defined as discharge flow from a commercial site or the aggregated discharge from multiunit or multisite industrial or recreational facilities.

“Commercial Waste Matter” is defined as discharge from a commercial site or the aggregated discharge from multiunit or multisite industrial or recreational facilities.

Section 2. Section 13.04.100, Rates and charges for sanitary sewage disposal, is amended to add the following paragraph:

E. Commercial Waste Flow. Should the City determine that *Commercial Waste Flow* (wastewater volume per day or month) from a commercial site or the aggregated discharge from multiunit or multisite industrial or recreational facilities is greater than two (2) times the flow attributed to an equivalent residential units (ERUs), the City shall charge either (1) the applicable rate and charges for each class of sanitary sewage disposal set forth by resolution of the Ilwaco

City Council OR (2) a monthly fee equal to the established "residential and apartment unit" monthly rate for each established whole equivalent residential unit of flow; whichever is greater. Fractional units are not counted in computing the fee.

Section 3. Section 13.04.105 is deleted in its entirety and replaced to read as follows:

13.04.105

Discharge of prohibited substances.

A. It is unlawful to cause to be discharged any of the following described waters or wastes in any public sewer, drain, ditch or outlet:

1. Any liquid or vapor having a temperature of higher than one hundred fifty (150) degrees Fahrenheit;
2. Any water or waste containing more than one hundred (100) mg/l by weight of fat, oil, or grease;
3. Any flammable or explosive liquid, solid, or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, hair shavings, metal, glass, rags, tar, plastics, wood or any other solid or viscous substance capable of causing obstruction to the flow in sewers or otherwise interferes with proper operation of sewage treatment plant;
6. Any waters or wastes having a pH lower than 5.5 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage treatment plant;
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or fowl, or create any hazard in the receiving waters of the sewage treatment plant;
8. Any waters or wastes containing total suspended solids (TSS) or comprised of Biological Oxygen Demand (BOD) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant OR with concentrations above 250 mg/liter;
9. Any noxious or malodorous gas or substance capable of creating public nuisance.
10. Transient loading or spike loading, known as slug loading, that is of such character and quantity that unusual attention or added marginal expense is required to handle such loading or of such concentration that it exceeds levels for biological oxygen demand (BOD) or total suspended solids (TSS) of 500 mg/liter.

B. Pretreatment Interceptors Required (known as Grease Traps). Interceptors shall be installed for every commercial and institutional establishment processing and/or serving food and when in the opinion of the director of public works they are necessary for the proper handling of wastes containing grease, oil and/or sand in excessive amounts, and any flammable or solid wastes that are harmful to the sewage system. All interceptors shall be of a type and capacity approved by the director of public works, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They

shall be of substantial construction, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Maintenance of Interceptors (known as Grease Traps). Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times and opened for inspection at any time necessary in the opinion of the director of public works.

D. Determination and Provisions for Commercial Waste Matter.

1. Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this title or having an impact on wastewater operations, capacity or costs, the controlling characteristic of such matter shall be determined to the satisfaction of the City. Such determination by the City may be done by direct measurement or by application of commercial loading estimates derived through commonly accepted methods.

2. Upon the City's determination that discharge is of such character that special provisions are necessary, the city may (1) prohibit the discharge, (2) require pretreatment by the discharger or (3) at the city's sole discretion, issue a discharge permit subject to costs and fees established by City Council resolution.

3. The responsibility of initiating such a determination, the costs involved, and of submitting the results of said determination, fee approval, lie solely with the party or parties desiring to discharge the matter into the sewer system. Should the City discover discharges of concern and deem necessary, the City may initiate such a determination at the cost of the discharger. Methods used by the City may include direct measurement or application of commercial loading estimates derived through commonly accepted methods. Verification of results shall be the responsibility of the City. It is the City's sole decision whether or not a permit shall be issued.

4. The fact that any matter has been discharged into the sewer system prior to the passage of this ordinance or subsequent thereto, without objection, does not constitute a future right to so discharge such matter without application of the provisions of this ordinance.

E. Demolished or Removed Buildings. The concerned property owner or his or her contractor engaged in demolishing or removing any structure connected to the public sewer shall notify the City of such work and shall expose and plug the side sewer connection of such structure at the property line in accordance with the requirements of the City and this chapter. A City inspector must observe such plugging.

F. Penalties. Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code. (Ord. 718 (part), 2006).

Section 4. Section 13.04.110 is deleted in its entirety and replaced to read as follows:

Connection Charges.

A. In addition to the foregoing rates and charges, the City shall charge for each connection to the sanitary sewer system a connection charge set forth by resolution of the Ilwaco

City Council. The factors for determining the proportional equivalent of various buildings or service connections shall be in accordance with the following chart, based on the Department of Ecology criteria for sewage works design, 85.1.

1.	Single-family residential	1.0
2.	Multifamily residential per unit	1.0
3.	Hotels, motels and bed and breakfast:	
a.	Administration unit	1.0
b.	Each unit as a transient unit	0.5
c.	Each unit as a residential unit	1.0
4.	Trailer/RV parks:	
a.	Administrative unit	1.0
b.	Each additional space	1.0
5.	Mobile/manufactured home park:	
a.	Administrative unit	1.0
b.	Each mobile home space	1.0
6.	Connected moorages within the port of Ilwaco	0.0

B. Commercial Connection Charges.

1. Discharge flow from a commercial site or the aggregated discharge flow from multiunit or multisite industrial or recreational facilities, if not covered in the table of equivalent residential unit factors in Section A above, shall be established by the city not less frequently than once every five years. The determination of flow may be made by an estimate based on wastewater contribution due to metered water consumption, by equivalent residential unit factors table above, or by direct measurement at the sole discretion of the City. If used, metered water or direct wastewater flow measurements may be averaged over the peak three months during a calendar year if the flow load varies by more than one equivalent residential unit throughout the year.

2. Should the City determine that the number of equivalent residential unit factors has increased beyond what has been allowed, permitted or contracted for, if not covered by the rates and charges for each class of sanitary sewage disposal set forth by resolution of the Ilwaco City Council, the City shall charge for each added whole equivalent residential unit in accordance with the connection permit fee established by the City Council. Fractional units are not counted in computing the connection permit fee.

3. At the discretion of the City Council, after a public hearing, any proposed commercial development, that is of exceptional benefit to the City, may have its sewer connection fee modified.

C. Buildings or facilities already connected to the existing sewer system will not be charged any additional sewer connection charges, since they have contributed to the construction of the existing lines serving their property. In the event that a new connection is made to an existing service, a new connection charge will have to be paid. If the property owners move or

repair their service line, they shall have the City inspect the changes and pay a fifty-dollar (\$50.00) inspection fee; any damages to the street must be repaired by the property owner.

D. If the number of connections to an existing service is increased, a connection charge for the additional connections, based on the chart in this section, must be paid.

E. Payment is due at the time of application for service, or, no later than at the time of building permit application.

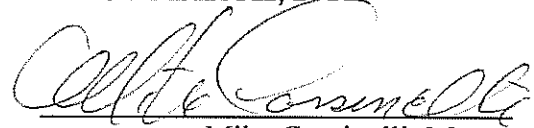
F. Monthly sewer service charges will commence within one year after purchase of the service connection or upon installation of the connection to the sewer main, whichever occurs first.

G. All customers outside the corporate limits of the City of Ilwaco shall pay a surcharge of fifty percent (50%) of the amount computed as provided. (Ord. 779 § 2, 2010: Ord. 715).

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality does not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Effective Date. This Ordinance takes effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 14TH DAY OF MARCH, 2011.


Mike Cassinelli, Mayor

ATTEST:


PJ Kezele, Deputy City Clerk

VOTE	Jensen	Marshall	Forner	Cassinelli
Ayes	X	X	X	
Nays				
Abstentions				
Absent				

PUBLISHED: March 23, 2011

EFFECTIVE: March 28, 2011